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## SOME PACIFIC OCEAN ISLETS APPERTAINING TO THE UNITED STATES.

A BRIEF HISTORICAL AND DESCRIPTIVE NARRATIVE.

MEDICAL INSPECTOR CLEMENT BIDDLE, U. S. NAVY.

Few people of our country are aware of United States ownership of sundry islets dotted about the Pacific Ocean, chiefly near the equator, which have unexpectedly come under American jurisdiction in the last sixty years on account of the guano thereupon found. Many of these islets were discovered by American ship captains, as we shall see later on, who in voyaging about the Pacific happened upon them quite by accident, little thinking they contained the valuable guano. Controversies and disputes soon arose among the floating population of these islands, as to sovereignty and the right to work the beds, whereupon Congress by virtue of American discovery found it expedient between 1856 and 1872 to enact various laws for the settlement of such questions as might arise to trouble the lives of the first-comers.

These statutes relate to the claim of the United States to the islands; notice and proof of discovery; completion of proof; exclusive privilege of the discoverer; restrictions upon exportation and regulation of the guano trade; criminal jurisdiction; employment of land and naval forces; and the right to abandon an island. All in all, quite enough legislation, one will say, to take care of such unusual possessions.

The most important of these laws were passed in 1856, and at once described the actual status of an American citizen and discoverer. Here are extracts from them:

"Whenever any citizen of the United States discovers a deposit of guano on any island, rock, or key, not within the lawful jurisdiction of any other government, and not occupied by the citizens of any other government, and takes peaceable possession thereof, and occupies the same, such island, rock, or key may, at the discretion of the President, be considered as appertaining to the United States."

Then follow directions to the discoverer, who is enjoined to give notice to the Department of State of such discovery, laws about the guano trade, and precise regulations concerning offenses and crimes committed, winding up with the proviso that after the removal of the guano "Nothing in this Title shall be construed as obliging the United States to retain possession of the islands, rocks, or keys, after the guano shall have been removed from the same." Uncle Sam seemed, therefore, quite unwilling to saddle himself perpetually with an unproductive terrain, and provided accordingly.

I take the following interpretations and regulations relating to the guano islands from the International Law Digest of 1906: The President may in his discretion regard the discovered guano islands as belonging to the United States, but he is not compelled to do so. He cannot annex a guano island while a diplomatic question is pending as to the ownership between the United States and a foreign government. The right of citizens of the United States to use and control under the Revised Statutes of deposits of guano on islets, rocks, and keys is based on the discovery, not of the island but of the deposit of guano thereon. It must be shown that the deposit is not within the lawful jurisdiction of any other government, nor in its possession. Before an island can be declared as appertaining to the United States for the purpose specified in the Guano Act of 1856 proof must be furnished to the Department of State not only of the fact of its discovery but also of its actual, continuous, and peaceable occupation, by a citizen of the United States accompanied with a reliable estimate of the quantity of the guano on the island and an analysis of its quality by a reputable chemist. After which the President may, in his discretion, the statutes having been complied with, regard the island or islands containing the discovered deposits as appertaining to the United States. Inasmuch as a bond is required by the government to control the working of the bed, the President may nominate the sum, but he must be fully informed as to the value of the deposit.

The United States government does not grant protective rights to the alleged discoverers of guano islands. It simply makes the State Department the depository of such papers as the discoverers may choose to place upon its files. The only action the United States can be expected to take in the event of any of its citizens becoming embroiled in a controversy with a foreign government with

160° Longitude East from Greenwich.

180°

Longitude West from Greenwich. 160°

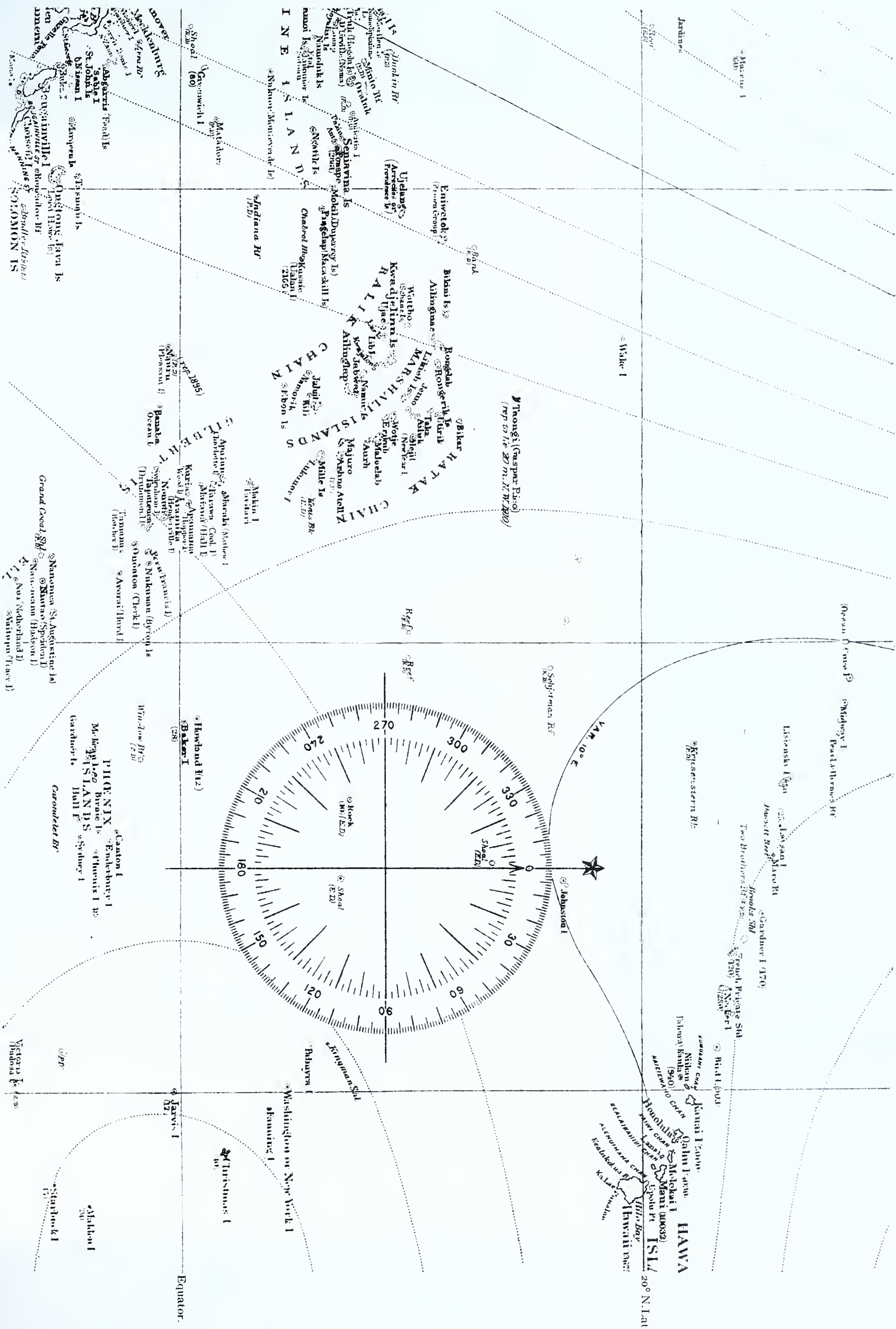


CHART OF CERTAIN ISLANDS IN THE PACIFIC OCEAN APPERTAINING TO THE UNITED STATES.



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regard to ownership of guano deposits is to use its diplomatic interference to redress the wrongs inflicted upon its citizens "should they not have transgressed the laws of a foreign nationality."

The Mexican government has insisted, from time to time, that certain of these islands are within its territory and lawful jurisdiction under the terms of the original act of Congress, and that they never could have been "considered as appertaining to the United States." This claim has not been recognized by the Washington government.

The discoverer, when the terms of the statute have been fulfilled, acquires for himself and assigns "during the pleasure of Congress, the exclusive right of working and disposing of the guano," subject to the conditions and limitations prescribed by law. The guano used is to be exportable only to citizens of the United States, and for use in the same country, the discoverer being a citizen—but this regulation has been wisely suspended.

"The Department has no power to determine disputes between citizens of the United States in respect of their rights in a guano island and the claimants must vindicate their title before the legal tribunal of the country." This meant that in the event of such a controversy arising the case would have to be transferred to the nearest U. S. Federal Court for trial, probably in San Francisco.

Before going on to write in detail of these islands let me here say that guano is a valuable excrementitious fertilizer composed of phosphatic and nitrogenous matters, deposited on certain tropical or semi-tropical coral islands by marine birds, such as pelicans, gannets, cormorants and petrels, which repair thereto in vast numbers to lay and hatch their eggs. The guano islets for the most part are found either in the Polynesian or Micronesian groups of Oceanica.

In geological formation the Pacific islands, both large and small, are either volcanic or coral. The former are usually lofty in proportion to their size and even now show frequent or constant evidence of eruptive activity (Tonga, New Hebrides and Kilauea in Hawaii); on the other hand those of coral composition are flat, with a fringe of cretaceous encircling reefs, occur in islet-groups, rise but little above sea-level, sometimes growing cocoanut trees, take the form of an atoll (a Malayan word meaning a ring of coral surrounding a lagoon), and usually enclose a lagoon. They are found on either side of the equator between latitude 30°, north or

south, one degree on this part of the globe being equal to about 60 miles.

I submit here certain information taken from a report of the Treasury Department, together with other data obtained elsewhere, relating to the legal status and commercial value of these islets, acquired by or appertaining to the United States. In one of these communications the following phraseology is used: "The sovereignty and jurisdiction of the United States have attached to the territory embraced in a number of islands," meaning of course the guano islands of the Pacific inasmuch as their names are appended to this document. The number of islands in this list extends to 50, notwithstanding the British government claims many of them, indicating her ownership by the letters Br. affixed to the claimed territory. As none of the islands in this list has been bonded, in accordance with U. S. law, since 1885, or possibly to 1893, for the purpose of obtaining legal permission to remove the guano, it seems altogether likely they have been abandoned so far as this enterprise is concerned. Let me give here some of their names: They are Baker's, Jarvis, Howland, McKean, the Phoenix group (8), American group (4), Flint, Gardner's, Midway, Wake, etc.

*Baker's Island* (or New Nantucket).—Coral formation, some 30 miles north of the equator and 3,725 miles from San Francisco; 1 mile long, east and west,  $\frac{3}{4}$  mile wide, north and south; 20 feet high; surrounded by a reef 200 to 400 ft. wide; no fresh water on the island. Vegetation is coarse grass and dry brush, without trees; no harbor, but there is a landing wharf and short road. The surf breaks heavily on the eastern end and s.w. point and there are heavy tide rips eastward of the island extending some distance from the land. The guano deposits were nearly worked out in 1872. Leased to the Pacific Islands Co., under British protection. In 1914 reported uninhabited. Marked on the map "U. S."

*Howland Island* (or Newlands).—Coral formation, 25 miles to the westward of Baker's, 18–20 feet high; surrounded by a fringing coral reef; island is 2 miles long north and south, and  $\frac{1}{2}$  mile wide; slightly brackish water is got by digging a few feet; there is a little grass on the ridge and a clump or two of bushes near the center of the island. In 1872 the amount of guano was estimated to be 20,000 tons. Leased to the Pacific Islands Co.; and is under British protection. No information forthcoming (1918) as to the working





TREE FERNS WHICH GROW TO A HEIGHT OF 30 OR 40 FEET. These ferns are near Volcano House near the Kilauea Crater, Hawaii.





PINEAPPLE FIELD NEAR HONOLULU.



of the guano beds or if the islet be inhabited. Marked on the map "U. S."

*Christmas Island*.—One of the American group (there is another Christmas island in the Indian Ocean, south of Java); about 75 miles north of the equator, in mid-Pacific and 3,200 miles from the Central American coast; coral formation, discovered Christmas Day, 1777, hence the name; dimensions 40 miles by 35 miles, average width 35 miles; at the western end 3 or 4 feet high; breakers here seen before the land; the strong currents about this island have caused many wrecks upon it. Two beacons have been erected on the island, one at East Point, the other on the South East Point. A cairn has been built at the N. W. point where schooners now find a fair anchorage, and a good landing. On the western side there is a narrow, shallow pass into the lagoon, but this basin is studded with coral rocks, and is shallow and dangerous. Vegetation is a scrubby growth of cocoanut, more of which trees are being planted, the original growth having nearly all disappeared. Small settlement at North Point; water supply uncertain, depending on rainfall. By digging brackish water is found, good enough for cooking, and which will sustain life for a short time. Following the planting of the cocoanut trees, the export of copra, the dried kernel of the cocoanut from which a valuable oil is extracted, is said to be on the increase. Fish are plentiful, and a few turtles are taken; sharks give trouble to the shell-divers. This elysium is under lease for 99 years from 1 January, 1902. In 1908 there were no inhabitants; there is no regular steamer communication.

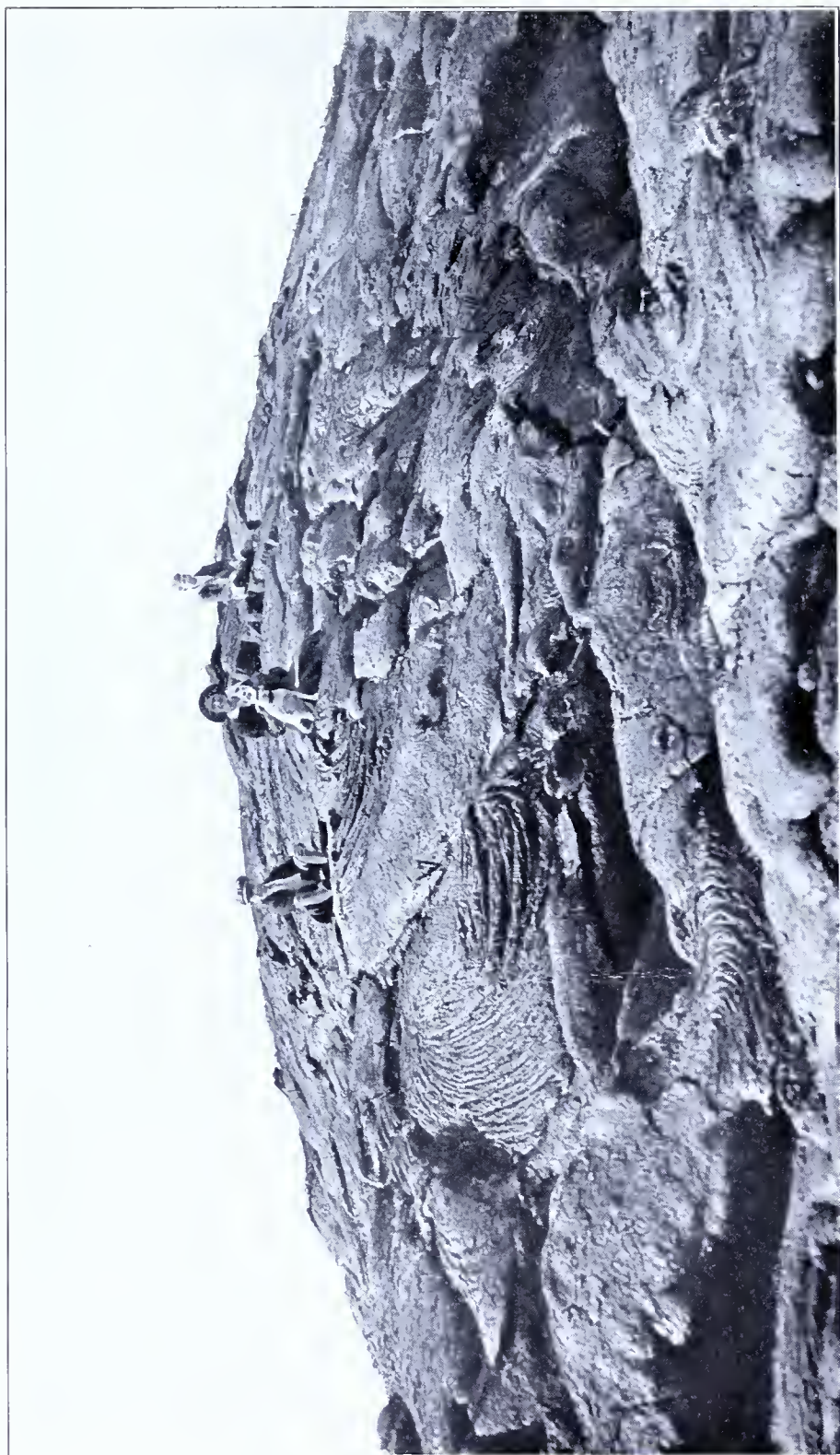
*Marcus Island*.—A coral island in the mid-Pacific with a fringing reef; about 200 miles north by east of the Hawaiian group; latitude  $24^{\circ} 14'$  north; long.  $154^{\circ} 0'$  west. It is classed with the Micronesian islands; its shape resembles an isosceles triangle, being  $\frac{7}{8}$  mile at the base, and  $1\frac{1}{8}$  miles to apex, and in size it is therefore typically Micronesian. It was taken possession of by Captain A. A. Rosehill, an American shipmaster, on June 29, 1889, who raised the U. S. flag upon it, seizing the islet under the guano island act (1856) and filing the required bond. (No record of this in the Treasury Dept's letter of 1893). Subsequent investigation showed that the Japanese government had by usufruct (right to use without ownership) from September, 1898, given the use of the island to

one of its subjects. Since this date the U. S. government has not claimed title to or asserted sovereignty over the island.

*Jarvis Island.*—A coral island  $1\frac{1}{4}$  miles by  $1\frac{3}{4}$  miles, just south of the equator (25 m.) and some 3,000 miles from the Central American coast. It appears as a white sandy beach 10–12 feet above the sea, covered in part with a few patches of grass, some bushes but no trees. The lagoon has disappeared, leaving its bed 7 or 8 ft. above the sea. It is a Polynesian island.

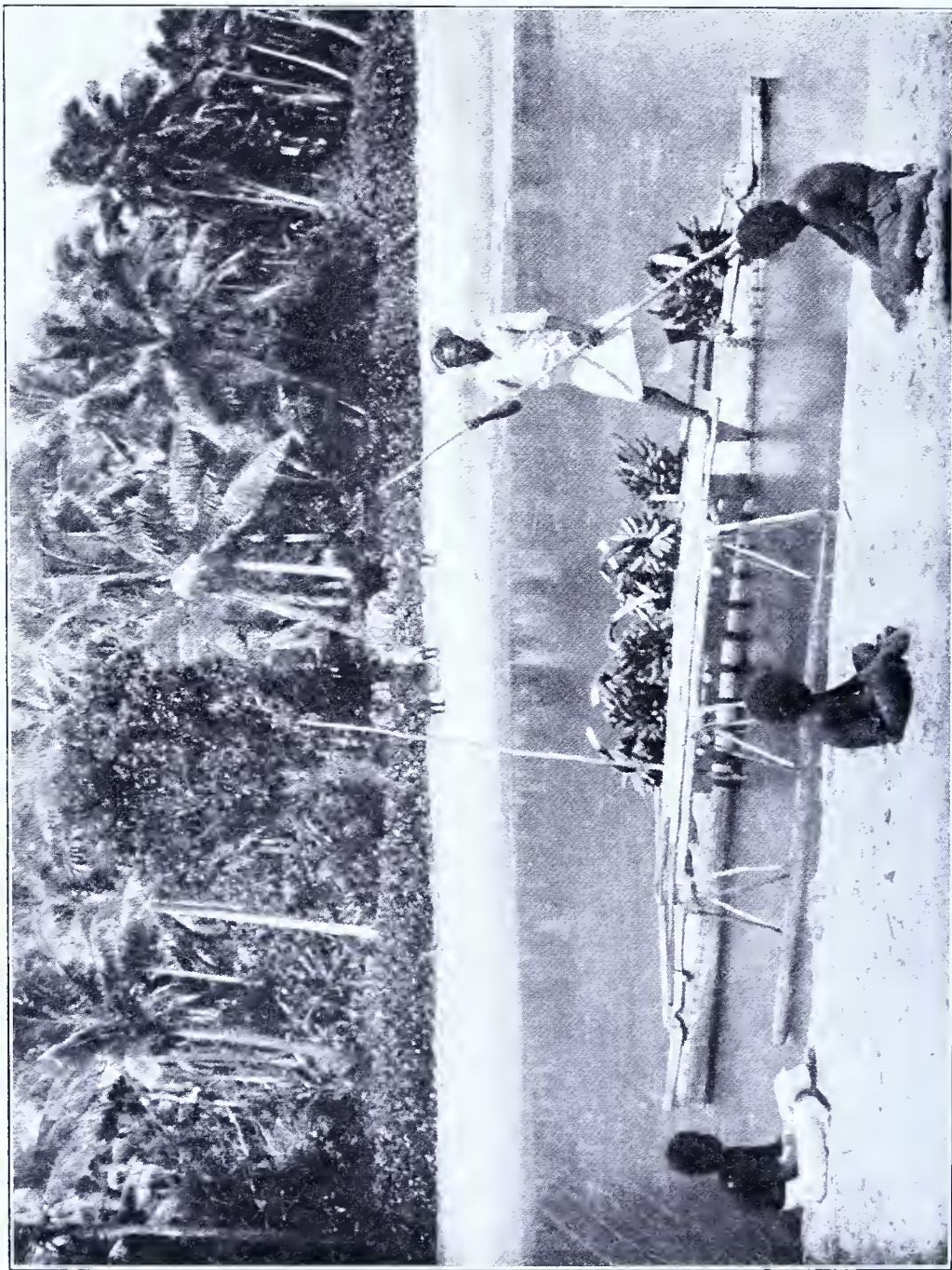
It is supposed to have been first discovered by the ship "Eliza Francis" (flag not named) as long ago as 1821; again in 1835 by Michael Baker (probably a sea captain) and subsequently by one Lucas. It is marked on the maps as a British possession; nevertheless it is borne on the list of guano islands as belonging to the United States, having been bonded in 1856. The island was visited in 1858 by the U. S. Ship "St. Mary's," Captain Davis, who took formal possession in the name of the United States. In 1861 a certificate was issued by Secretary of State Black to the American Guano Co. of New York, as assignee of Michael Baker, the original discoverer. However, this act did not deter claimants from seizure, for in 1889 H. M. Ship "Cormorant" appeared and took possession of Jarvis, so that at this period the islet seemed to live under dual ownership. Notwithstanding this apparent conflict of authority, as late as September, 1893, the islet was reported as appertaining to the United States "in a list of our guano islands by the 1st Controller of the Treasury to the Asst. Secretary of the Treasury."

*Johnston's Island.*—Sometimes known as Cornwallis or Smith's. Lat.  $16^{\circ} 46'$  n., long.  $160^{\circ} 17'$  w., an isolated islet in the mid-Pacific, approximately 900 m. west of the Sandwich islands, its nearest neighbor. The circumstances of the discovery and taking possession of Agnes and Johnston islands are fully given in an opinion of Attorney-General Black, so long ago as 1859. It appears to have been bonded in that year, showing that someone was there after the guano by legal means. In 1859 the American schooner "F. Cooper" examined the island. The original discoverer was Wm. H. Parker who gave bond. At one time the Pacific Guano Co. of San Francisco claimed possession. In 1892 Johnston Island was formally annexed to Great Britain by H. M. S. "Champion," without any representations or objections on the part of the U. S. government. Very few data are obtainable on this islet. It is borne on the list



DETAIL OF COLD LAVA OF THE LAVA FIELD OF KILAUEA.





A TYPICAL PACIFIC ISLAND SCENE (HAWAII).

of U. S. guano islands but there is no question that the Washington government has completely surrendered all sovereignty to this territory.

*Lobos Islands.*—Lie 20–30 miles off the coast of Peru; were visited in 1822 by Captain Morrell, an American navigator; contain guano. They were formerly claimed by the United States, but Peru having made good her title in 1852, an order was issued countermanding the authority issued to American vessels to protect their interests in taking cargoes of guano from the island, and the United States afterward withdrew “unreservedly” all objections to Peru’s title.

*McKean Island.*—One of the Phoenix group, some 240 miles south of the equator and 3,900 miles from the Central American coast, and therefore a typical mid-Pacific island. Formed of coral and sand, 20 ft. high,  $\frac{3}{4}$  m. long and  $\frac{1}{2}$  m. broad, and covered with a growth of bushes. Is leased to the Pacific Islands Co.

*The Phoenix Group.*—Consists of eight scattered islands, marked as belonging to Great Britain. Nevertheless several of them are borne on the official list of U. S. possessions. No evidence that any of them was ever bonded under U. S. law. They are low scattered islands in the mid-Pacific, some 250 m. south of the equator, of coral formation, surrounded by fringing reefs. Their valuable supply of guano has been worked out. On most of this group no water or supplies is obtainable. Very little rain falls on Enderbury island. There is a little vegetation on Sydney and Hull islands. Gardner’s island of this group contains the usual lagoon but with no passage to the sea. The height of the latter, including trees, is 50 feet. Has been planted to cocoanuts. It is borne on the official list of U. S. guano islands, but has never been bonded. British protectorate proclaimed May, 1892, and in 1899 it was leased to the Pacific Islands Co. The Phoenix group is classed with the Polynesian islands.

*Fanning Island.*—One of the American group, the population of which is estimated to be 200. It is marked British on the map, notwithstanding the fact that this group is borne on the official list of U. S. guano islands, but there can be no doubt of its sovereignty appertaining to Great Britain. It is in mid-Pacific, about 235 m. north of the equator, was discovered in 1798 by Edward Fanning, is of atoll formation, and thickly covered with cocoanut trees, 60–90

feet high. It is 9 m. in length, 4 m. wide and 2 to 3 ft. high, surrounded by a coral rim 10 ft. in height, which forms a kind of breakwater.

English harbor is the entrance on the southwest side, the only ship entrance. Formerly guano of an inferior quality was taken out, but it has either been exhausted or ceased to pay, and has been abandoned. Pearl oysters are found in the lagoon and are a source of profit. A schooner calls there yearly for the copra, but the supply is diminishing. Coal may be had, poultry usually and cattle occasionally. The well water is excellent and plentiful and fish, snipe, duck and curlew may be caught and shot. In 1901 the population consisted of 1 European and 46 Gilbert Islanders, the latter being engaged in collecting copra. In 1902 cable communication was established between Vancouver and Fiji. There is a good harbor for steamers; indifferent for sailing vessels. An iron jetty has been built at English harbor. The fresh water in the wells rises and falls with the tide. Steamers of the Union Co. call bi-monthly. Washington island, another of the American group, is 75 m. north of Fanning; discovered in 1798;  $3\frac{1}{2}$  m. long and  $1\frac{1}{2}$  m. wide; 10 feet above the sea; in eastern part of island there is a lagoon of fresh water. The island is covered with a luxuriant growth of cocoanut and other trees. Lagoon water unwholesome. The guano on this island is not worked. The village is at the west end of the island. The soil is rich and productive. A fringing reef extends 1,000 yards off the eastern end. In 1901 there were 96 men and women and 42 children on the island. A heavy surf makes the landing dangerous.

*Palmyra Island.*—Another of the American group, at the north side, with nothing to mark its sovereignty. It is however borne on the list of U. S. guano islands, though never bonded. It is an atoll and was discovered by the American ship "Palmyra" in 1802. Taken possession of by the United States in 1912 and thenceforth became a part of the territory of Hawaii. It lies northwest of Washington island, and consists of many small islets. It is  $5\frac{1}{4}$  m. by  $1\frac{1}{2}$  m., and therefore will not add much area to the Sandwich group. The atoll encloses three distinct lagoons, without openings to the sea. Its highest point is but 6 ft. above the sea, and covered with bushes and tall cocoanut trees. There were no inhabitants in 1892. Landing difficult on account of innumerable coral reefs. A





SURF RIDING AT WAIKIKI. (Photo by Doubleday, Page & Co.)



A SOUTH SEA FISHING PARTY.



SOUTH SEA ISLANDERS.



THE ISLES OF THE BLEST; THE SOUTH SEAS.



former resident of five months' duration said rain was almost constant. Fish are abundant, turtle scarce. On one of the eastern islets there is a small pool containing rain water.

*Wake Island.*—A lonely Micronesian island in the mid-Pacific, several hundred miles north of the Marshall group, its nearest neighbor; in approximately lat.  $18^{\circ} 30'$  n., and long.  $172^{\circ}$  w. In 1914 it was reported small, barren and uninhabited save for periodical visits of Japanese fishermen and bird hunters. It is about 1,100 m. north of the equator. It is marked on the map "U. S."

*Midway Island.*—In the North Pacific and outside the tropics and considerably northwest of the Hawaiian group (1,200 m.). In 1914 the following report was made. "Midway has an area of about ten square miles and is practically barren of vegetation. It was uninhabited until 1903, when the Commercial Pacific Cable Company established a station there. Its trade is, of course, limited to the supplies required for the employees of the Cable Company living there." It is the relay cable station between the Pacific coast, Guam and Manila. A small Marine Corps garrison used to be stationed on this island, and it is, of course, a real United States possession, the only other one apparently being Palmyra.



